

REMARKS

Claims 1 to 30 are pending in the case. The Applicants have amended Claim 1, to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Support for the present amendments is found throughout the specification and claims, as originally filed. No new matter has been added and no claims fees are believed to be due. The Applicants strongly believe that the present amendments and accompanying Remarks have placed the present application in condition for allowance. Accordingly, the Applicants respectfully request timely and favorable action.

Rejection under 35 USC § 102(b) over Herbots

The Examiner has rejected Claims 1 to 8, 10 to 11, 21 to 24 and 26 to 30 under 35 USC § 102(b) as allegedly being anticipated by WO Patent Number 98/06808 to Herbots et al (hereinafter "Herbots"). The Applicants respectfully disagree with the Examiner's finding of anticipation. Indeed, the Applicants wish to direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended Claim 1, from which the balance of the aforementioned claims ultimately depend, only to obviate the Examiner's rejection. Specifically, the Applicants have amended Claim 1 to excise the recitation of a pectin lyase produced by *Bacillus agaradhaerens*. In light of the present amendments, the Applicants respectfully submit that Herbots fails to teach each and every limitation of Claim 1, as amended. Indeed, the Examiner, in providing the rationale for imposition of the present rejection, asserts that Herbots only specifically teaches pectin lyase stemming from the above-identified organism (See Paper No. 9, page 3). Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection to Claims 1 to 8, 10 to 11, 21 to 24 and 26 to 30 under 35 USC § 102(b).

Rejection under 35 USC § 103(a) over Herbots in view of Bostick

The Examiner has rejected Claim 9 under 35 USC § 103(a) as allegedly obvious over Herbots in view of US Patent Number 5,334,326 to Bostick (hereinafter "Bostick"). The Applicants respectfully disagree with the Examiner's finding of obviousness. The Applicants wish to direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended Claim 1, from which Claim 9 ultimately depends, only to obviate the Examiner's rejection. In light of the present amendments, the Applicants submit that Herbots in view of Bostick neither teach nor suggest each and every element of present Claim 9, as amended. Specifically, the Applicants have removed the recitation of a pectin lyase selected from a *Bacillus agaradhaerens* organism from Claim 1. Accordingly, reconsideration and withdrawal of the rejection to Claim 9 under 35 USC § 103(a) is respectfully requested.

Rejection under 35 USC § 103(a) over Herbots

The Examiner has rejected Claim 25 under 35 USC § 103(a) as allegedly obvious over Herbots. The Applicants respectfully disagree with the Examiner's finding of obviousness. The Applicants wish to direct the Examiner's attention to the "Amendments"

section of the instant paper, in which the Applicants have amended Claim 1, from which Claim 25 ultimately depends, only to obviate the Examiner's rejection. In light of the present amendments, the Applicants respectfully submit and strongly urge that Herbots neither teaches nor suggests each and every limitation included in Claim 25, as amended. Specifically, the Applicants have amended Claim 1 to remove any recitation of a pectin lyase selected from a *Bacillus agaradhaerens* organism. Accordingly, reconsideration and withdrawal of the rejection to Claim 25 under 35 USC § 103(a) are respectfully requested.

Rejection under 35 USC § 103(a) over Herbots in view of Miracle

The Examiner has rejected Claims 12 to 20 under 35 USC § 103(a) as allegedly being unpatentable over Herbots in view of WO Patent Number 97/10323 to Miracle et al (hereinafter "Miracle"). The Applicants respectfully disagree with the Examiner's finding of obviousness. The Applicants wish to direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended Claim 1, from which Claims 12 to 20 ultimately depend, only to obviate the Examiner's rejection. In light of the present amendments, the Applicants submit that Herbots in view of Miracle neither teach nor suggest each and every limitation of Claims 12 to 20, as amended. Specifically, the Applicants have amended Claim 1 to remove any recitation of a pectin lyase selected from a *Bacillus agaradhaerens* organism. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection to Claims 12 to 20 under 35 USC § 103(a).

CONCLUSION

Attached hereto is a "Version With Markings To Show Changes Made." Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, entry of the amendments provided herewith, reconsideration of the claims as amended in light of the Remarks provided, withdrawal of the claims rejections, and allowance of Claims 1 to 30, as amended, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

MICHAEL STANFORD SHOWELL, et al.

By _____

Frank Taffy, Esq.
Attorney for Applicants
Registration No. 52,270
(513) 634-9315

03 February 2003

Customer No. 27752

Cincinnati, Ohio
CM2006-AfterFinal.doc

RECEIVED
CENTRAL FAX CENTER
SEP 03 2003

OFFICIAL

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A detergent composition comprising a detergent ingredient, a pectate lyase enzyme and bleach system selected from the group consisting of a metal bleach catalyst; a combination of a peroxygen source and a bleach booster selected from the group consisting of zwitterionic imines, anionic imine polyions having a net negative charge of from -1 to -3, and mixtures thereof; a diacyl peroxide and mixtures thereof

wherein said pectate lyase enzyme is selected from the group consisting of: ~~a pectate lyase which is a polypeptide produced by *Bacillus agaradhaerens*, NCIMB 40482 or DSM 8721;~~ a pectate lyase which is a polypeptide produced by *Bacillus licheniformis* or ATCC 14580; a pectate lyase which is a polypeptide produced by *Bacillus haldurans*; a pectate lyase having an optimum activity at a pH of greater than about 7.0 and derived from *Streptomyces fradiae*, *Streptomyces nitrosporeus*, *Erwinia carotovora*, *Bacillus sphaeroides*, *Thermomonospora fusca*, *Pseudomonas solanacearum*, *Bacteroides thetaiotaomicron*, *Fusarium solani*, *Xanthomonas campestris*, ~~*Bacillus agaradhaerens*~~, *Bacillus licheniformis* and mixtures thereof; and combinations thereof.